

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: Erik Martz et al.
SERIAL NO: 10/808,186 GROUP ART UNIT: Not assigned
FILED: March 23, 2004 EXAMINER: Not assigned
CUSTOMER NO.: 27162
FOR: SPINAL BONE CHISELS
ATTY/DKT NO.: 525400-335

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SIR:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which are believed to be material to the patentability of the above-identified application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

- X §1.97(b) This Information Disclosure Statement is filed:
- (1) Within three months of the filing date of a national application; OR
 - (2) Within three months of the date of entry of the national stage of an international application; OR
 - (3) Before the mailing of a first Office Action on the merits.
No fee or statement is required.

____ §1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

- ____ The statement as specified in 37 CFR §1.97(e) set out below; OR
____ The fee of \$180.00 under 37 CFR §1.17(p).

___§1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

- (1) a Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311;

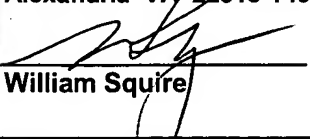
BUT filed on or before payment of the Issue Fee; AND
is accompanied by:

- (1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND
- (2) Petition is hereby made under 37 CFR §1.97(d) for consideration of this Information Disclosure Statement; AND,
- (3) The petition fee of \$180.00 set out in 37 CFR §1.17(i).

___§1.97(e) The undersigned Attorney hereby states that:

- ___ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;
or
- ___ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

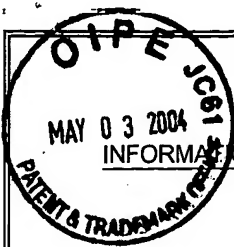
The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
MS Non-Fee Amendment Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	
 William Squire	April 29, 2004 Date

#218906

Respectfully submitted,
Erik Martz et al.


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Form PTO-1449

INFORMATION DISCLOSURE STATEMENT

Atty. Docket:
525400-335Serial No.:
10/808186

Applicant: Erik Martz et al.

Filing Date: March 23, 2004

Group:

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date
	A1	6,096,038	Aug. 1, 2000	Michelson	606	61	June 7, 1995
	B1	4,697,586	Oct. 6, 1987	Gazale	128	92	June 24, 1986
	C1	695,783	March 18, 1902	Beam			April 4, 1901
	D1	740,937	Oct. 6, 1903	Smith et al.			April 20, 1903
	E1	6,110,175	August 29, 2000	Scholl	606	79	Jan. 20, 1999
	F1	6,610,065	Aug. 26, 2003	Branch	606	84	Oct. 27, 2000
	G1	5,722,977	March 3, 1998	Wilhelmy	606	84	Jan. 24, 1996
	H1	5,800,437	Sept. 1, 1998	Gustillo et al.	606	86	Oct. 8, 1996
	I1	6,174,311	Jan. 16, 2001	Branch	606	61	Oct. 28, 1998
	J1	2,235,419	March 18, 1941	Callahan			March 18, 1938
	K1	1,401,469	Dec. 27, 1921	Hawkenson			Sept. 10, 1921
	L1	3,683,892	Aug. 15, 1972	Harris			July 13, 1970
	M1	4,150,675	April 24, 1979	Comparetto	128	305	Jan. 28, 1977

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Country	Class	Sub-Class	Translation
	N1	EP 1308 132	May 7, 2003	EP	A61B17	16	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	O1						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	P1	
	Q1	
	R1	
	S1	
	T1	

Examiner:

Date Considered:

EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO-1449

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Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date
	A2	4,433,681	Feb. 28, 1984	Comparetto	128	92	July 7, 1981
	B2	4,580,563	April 8, 1986	Gross	128	305	Oct. 24, 1983
	C2	4,736,738	April 12, 1988	Lipovsek et al.	128	92	May 2, 1985
	D2	6,224,607	May 1, 2001	Michelson	606	96	Jan. 25, 2000
	E2	3,848,601	Nov. 19, 1974	Ma et al.	128	305	June 14, 1972
	F2	20020016592	Feb. 7, 2002	Branch et al			May 30, 2001
	G2						
	H2						
	I2						
	J2						
	K2						
	L2						
	M2						

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Country	Class	Sub-Class	Translation
	N2						<input type="checkbox"/> Yes <input type="checkbox"/> No
	O2						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	P2	
	Q2	
	R2	
	S2	
	T2	

Examiner:

Date Considered:

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